

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martínez
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda/ Minutes

January 10, 2017

7:00 P.M.

Call to Order - **Council President Gonzalez called the meeting to order at 7:19 p.m.**

Roll Call - **City Clerk, Marbelys Fatjo, called the roll with the following Council Members present:**

- Council President Gonzalez
- Councilman Jose Caragol
- Councilwoman Vivian Casáls-Muñoz
- Councilwoman Isis Garcia- Martinez
- Councilman Paul Hernandez
- Councilwoman Lourdes Lozano

Council Members Absent:

- Council Vice President Cue-Fuente

Also present were:

- Mayor Carlos Hernandez
- Lorena Bravo, City Attorney

Invocation - **Marbelys Fatjo, City Clerk, led the invocation.**

Pledge of Allegiance - **Councilwoman Lozano led the Pledge of Allegiance.**

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.

- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by the City Clerk in English, and by Lisette Perez, Administrative Aide, Office of the City Clerk, in Spanish.

Presentations –

1. Announcement of Amendments/Corrections to the Agenda –

- **The expenditure amount of Item D has been corrected. An amended letter was placed on the dais.**

2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Motion to Approve the Consent Agenda made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Council Vice President Cue-Fuente absent.

- A.** Request permission to approve the minutes of the City of Hialeah Council Meeting held on December 13, 2016. (OFFICE OF THE CITY CLERK.)
APPROVED (6-0-1) with Council Vice President Cue-Fuente absent.
- B.** Request permission to issue a purchase order to Miami Dade County Water and Sewer Department, for the service of water quality testing, in a total cumulative amount not to exceed \$75,000. (DEPT. OF PUBLIC WORKS)
APPROVED (6-0-1) with Council Vice President Cue-Fuente absent.
- C.** Proposed resolution joining the Houston-Galveston Area Council (HGAC) by approving the interlocal contract for cooperative purchasing, attached hereto and made a part hereof as "Exhibit 1" and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute the interlocal agreement in order to participate in the cooperative purchasing program and access competitively selected vendors and contracts for all available products and services offered by the HGAC; providing for an effective date. (TRANSIT) **APPROVED (6-0-1) with Council Vice President Cue-Fuente absent.**
RESOLUTION NO. 2017-001.

- D.** Request permission to retain the legal services of Lewis, Longman & Walker, P.A., to assist the Law Department in contract negotiations, from October 1, 2016 to September 30, 2017, in a total cumulative amount not to exceed \$10,000. (LAW DEPT.)

APPROVED (6-0-1) with Council Vice President Cue-Fuente absent.

- E.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is currently working with the City's Grants and Human Services Department and is familiar with the requirements and the implementation of the City's U.S. HUD entitlement grants, CDBG, HOME and ESG grants, and issue a purchase order to Civitas, LLC, previously with Florida Housing Coalition, the consultant of the City's Department of Grants and Human Services, to serve as the City's technical advisor by providing guidance with U.S. HUD's IDIS system and by completing project environmental reviews, in a total cumulative amount not to exceed \$85,000. (DEPT. OF GRANTS & HUMAN SERVICES)

APPROVED (6-0-1) with Council Vice President Cue-Fuente absent.

- F.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Horizon Contractors, Inc., vendor providing the lowest quotation, for drainage installation work at various locations in the City during the 2016-2017 fiscal year, in a total cumulative amount not to exceed \$187,105. (STREETS DEPT.) .)

APPROVED (6-0-1) with Council Vice President Cue-Fuente absent.

- G.** Request permission to increase purchase order # 2017-98, issued to Taser International, Inc., sole source vendor of the Taser less lethal weapon system, to purchase an additional two hundred ninety (290) taser cartridges in an effort to reduce City liability in police involved shootings and physical confrontations, by an additional amount of \$5,466, for a total cumulative amount not to exceed \$19,966. (POLICE DEPT.) .)

APPROVED (6-0-1) with Council Vice President Cue-Fuente absent.

- 3.** Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 13. CBD Central Business District, of the Code of Ordinances of the City of Hialeah, revising Section 98-973 entitled "Prohibited Uses and Limitations"; eliminating the restrictions on the sale of secondhand jewelry; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability clause; providing for inclusion in the code; providing for an effective date. (ZONING) **APPROVED (6-0-1) with Council Vice President Cue-Fuente absent.**

ORDINANCE NO. 2017-001.

Item was approved by the City Council on first reading on December 13, 2016. Second reading and public hearing was scheduled for January 10, 2017.

Item was approved by the Planning and Zoning Board on November 16, 2016.

REPORT: Motion to Approve Item 3 made by Councilwoman Garcia-Martinez, and seconded by Councilwoman Casáls-Muñoz. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

- 4.** Board Appointments –

- Appointment by Councilwoman Lozano of Nelba Gonzalez to the Cultural Affairs Council for the remainder of a two year term ending on November 12, 2017. (COUNCILWOMAN LOZANO) **SO NOTED**
- Proposed resolution confirming and approving the nomination of Ingrid Camino as the AFSCME member representative to the Defined Contribution Plan Committee for the City of Hialeah. (AFSCME) **APPROVED (6-0-1) with Council Vice President Cue-Fuente absent. RESOLUION NO. 2017-002.**

REPORT: Motion to Approve the Item 4b made by Council woman Casáls-Muñoz, and seconded by Councilwoman Lozano. Motion passed (6-0-1) with Council Vice President Cue-Fuente absent.

5. Unfinished Business –

- **Mayor Hernandez invited the Council to a CRA Meeting before a County Board and one before the County Board of Commissioners, and provided an update on the library renovations.**

6. New Business –

- **Council woman Casáls-Muñoz invited all to the Hialeah Race Track for a live boxing event on Friday, January 13, 2017.**

7. Comments and Questions –

- **Angolie Gallo, 800 West 74 Street, Hialeah, Florida, addressed the City Council regarding a code violation.**
- **Alberto Lamadrid, 4445 West 16 Avenue, Hialeah, Florida, addressed the City Council regarding a code violation.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

REPORT: All were duly sworn in.

- PZ 1. First reading of proposed ordinance granting a variance permit to allow a landscape buffer of 5.7 feet, where 7 feet are required; to allow 8 parking spaces, where 9 spaces are required; a rear setback of 13.7 feet, where 20 feet are required; a west side yard setback of 6.3 feet, where 10 feet are required; all contra to Hialeah Code of Ordinances §§ 98-2189(19)(b), 98-590, 98-591; and §D(7) of the latest edition of the City of Hialeah Landscape Manual to construct a 4-unit building.

Property located at 486 East 30 Street, Hialeah, Florida. Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: David Ortiz as representative, 100 South Point Drive, Suite 2702, Miami Beach, Florida 33139*) **APPROVED (6-0-1) with Council Vice President Cue-Fuenteabsent. Second reading and public hearing was scheduled for January 24, 2017.**

Item was approved by the Planning and Zoning Board on December 28, 2016.

*Owner(s) of the Property: Miami Rental Partners L.L.C.
Nancy V. Ortiz, Managing Member
Monica Otero, Managing Member
David Ortiz, Project Manager and Owner Representative*

REPORT: Motion to Approve Item PZ 1 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Council Vice President Cue-Fuenteabsent.

PZ 2. Recommendation of denial by the Planning and Zoning Board of the rezoning from R-1 (One Family District) to R-2 (One and Two Family Residential District) and variance permit to allow the construction of a duplex on a substandard lot having a frontage of 50 feet, where 75 feet are required, and total lot area of 6,250 square feet, where 7,500 square feet are required; lot coverage of 39.7 percent, where a maximum of 30 percent is required, and the north and south side setback of 5 feet, where 7.5 feet are required, for property located at **21XX West 6 Court, Hialeah, Florida.** (*Applicant: Gilberto Aguila, 5735 West 12 Lane, Hialeah, Florida 33012*) **DENIAL UPHELD (5-1-1) with Councilman Caragol voting “NO” and Council Vice President Cue-Fuente absent.**

Registered Lobbyist: Albert Gonzalez, 16400 NW 59 Avenue, Miami Lakes, Florida

Item was denied by the Planning and Zoning Board on December 28, 2016.

Owner of the Property: Gilberto Aguila, 5735 West 12 Lane, Hialeah, Florida 33012.

REPORT: Robert Bowens, 2187 West 6 Court, Hialeah, Florida, addressed the City Council in opposition to the approval of this item.

REPORT: Abigail Vigoa, 2180 West 6 Court, Hialeah, Florida, addressed the City Council in opposition to the approval of this item.

REPORT: Daisbel Vigoa, 2180 West 6 Court, Hialeah, Florida, addressed the City Council in opposition to the approval of this item.

REPORT: Gilberto Aguila, 5735 W 12 Lane, Hialeah, Florida, addressed the City Council.

REPORT: Motion to Uphold the Denial of the Planning and Zoning Board of Item PZ 2 made by Councilwoman Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed (5-1-1) with Councilman Caragol voting “NO” and Council Vice President Cue-Fuente absent.

REPORT: Meeting was adjourned by Council President Gonzalez at 8:18 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, January 24, 2017 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 28, 2017 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).